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6 Attorneys for **LINDA LIVOLSI**

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 LINDA LIVOLSI,

14 Defendant.

2:10-cr-578-PMP-GWF

STIPULATION TO CONTINUE
MOTION DEADLINES AND TRIAL
DATES

(Eighth Request - First Request By New
Defense Counsel)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
17 States Attorney, and J. Gregory Damm, Assistant United States Attorney, counsel for the United
18 States of America, and Rene L. Valladares, Federal Public Defender, and Richard F. Boulware,
19 Assistant Federal Public Defender, counsel for LINDA LIVOLSI, that the calendar call currently set
20 for August 14, 2013 at 9:30 a.m., and the trial currently scheduled for August 20, 2013 at 9:00 a.m.,
21 be vacated and set to a date and time convenient for this Court; however, no event earlier than
22 sixty (60) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and
24 including September 13, 2013, within which to file any and all pretrial motions and notice
25 of defense.

26 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
27 have to and including September 27, 2013, within which to file any and all responsive pleadings.

28 ///

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
2 have to and including October 4, 2013, within which to file any and all replies to
3 dispositive motions.

4 This Stipulation is entered into for the following reasons:

5 1. Counsel for the defendant was only permanently appointed on July 3, 2013. Defense
6 counsel therefore needs additional time to complete his review of the evidence in this case in order
7 to determine whether there are any pretrial issues that must be litigated and whether the case will
8 ultimately go to trial or will be resolved through negotiations.

9 2. The defendant is not incarcerated and does not object to the continuance.

10 3. The parties agree to the continuance.

11 4. The additional time requested herein is not sought for purposes of delay, but merely
12 to allow counsel for the defendant sufficient time to effectively and thoroughly research, prepare and
13 file appropriate pretrial motions, and prepare for trial.

14 5. The additional time requested by this Stipulation is excludable in computing the time
15 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
16 States Code, Section 3161(h)(1)(A) and Title 18, United States Code, Section 3161(h)(7)(A),
17 considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

18 6. This is the eighth request for a continuance filed herein.

19 DATED this 2nd day of August, 2013.

20
21 RENE L. VALLADARES
22 Federal Public Defender

23 */s/ Richard F. Boulware*

24 By: _____
25 RICHARD F. BOULWARE,
26 Assistant Federal Public Defender
27 Counsel for Linda Livolsi
28

DANIEL G. BOGDEN
United States Attorney

/s/ J. Gregory Damm

By: _____
J. GREGORY DAMM
Assistant United States Attorney
Counsel for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LINDA LIVOLSI,

Defendant.

2:10-cr-578-PMP-GWF

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACTS

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant was only permanently appointed on July 3, 2013. Defense counsel therefore needs additional time to complete his review of the evidence in this case in order to determine whether there are any pretrial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for the defendant sufficient time to effectively and thoroughly research, prepare and file appropriate pretrial motions, and prepare for trial.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(A) and Title 18, United States Code, Section 3161(h)(7)(A), considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6. This is the eight request for a continuance filed herein.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the motion deadlines and trial dates.

///

1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely
4 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
5 within which to be able to effectively and thoroughly prepare for trial, taking into account the
6 exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, title 18, United
8 States Code, Section 3161(h)(1)(A) and Title 18 United States Code, Section 3161(h)(7)(A), when
9 considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

10 **ORDER**

11 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and
12 including September 13, 2013, within which to file any and all pretrial motions and notice
13 of defense.

14 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
15 have to and including September 27, 2013, within which to file any and all responsive pleadings.

16 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
17 have to and including October 4, 2013, within which to file any and all replies to
18 dispositive motions.

19 IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury
20 instructions, and a list of the Government's prospective witnesses must be electronically submitted
21 to the Court by the _____,

22 IT IS FURTHER ORDERED that the calendar call currently set for August 14, 2013 at the
23 hour of 9:30 a.m., be vacated and continued to _____ m., and
24 the trial currently scheduled for August 20, 2013 at the hour of 9:00 a.m., be vacated and continued
25 to _____ m.

26 DATED this _____ day of August, 2013.

27
28 UNITED STATES DISTRICT JUDGE